

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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PAUL T. PAPADAKIS,	:
	:
PLAINTIFF	:
	:
VS.	:
	:
CSX TRANSPORTATION,	:
	:
DEFENDANT	:
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**PLAINTIFF'S REPLY TO THE DEFENDANT'S MOTION FOR AN ORDER  
PERTAINING TO RULE 35 MEDICAL EXAMINATION**

On November 8, the Plaintiff traveled with significant personal discomfort, from Springfield, Massachusetts to Providence, Rhode Island to submit to a medical examination by the Defendant's designated medical expert, Dr. Edward Feldmann. The Plaintiff appeared at the appointed time but declined to answer the doctor's questions regarding his medical history, which apparently resulted in an abrupt cancellation of the examination.

Prior to presenting himself for examination, Plaintiff and counsel had discussed his duty to cooperate with the examination and the fact that he could expect to be asked questions by Dr. Feldmann. Without disclosing attorney/client privilege, it would appear there was some misunderstanding between counsel and Mr. Papadakis regarding his duty to respond to these questions. Mr. Papadakis's obligation to answer Dr. Feldmann's inquiries regarding his medical history in the mechanics of the injury of June 13, 2001 have been explained to him and he agrees to return to Dr. Feldmann's office and submit to the requested examination. He further agrees to respond to inquiries that Dr. Feldmann may pose regarding his medical history and the mechanics of the events of June 13, 2001 that caused his injury. Counsel will accompany Mr. Papadakis to the medical examination to avoid any further misunderstandings. However, counsel will not demand to be present during the actual examination.

Counsel and Mr. Papadakis are available at the earliest date offered by Dr. Feldmann.

PAUL T. PAPADAKIS  
By his attorney,

  
Robert M. Byrne, Jr.

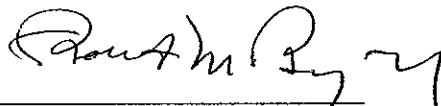
Robert M. Byrne, Jr.

THORNTON & NAUMES  
100 Summer Street, 30<sup>th</sup> Floor  
Boston, MA 02110  
(617) 720-1333  
Attorney for Plaintiff  
B.B.O. #068620

Certificate of Service

I hereby certify that on November 9, 2005, I served the foregoing Plaintiff's Reply to Defendant, CSX Transportation, Inc.'s, Motion for an Order Pertaining to Rule 35 Medical Examination by first class mail to:

Valerie Murphy, Esq.  
Flynn & Associates, PC  
400 Crown Colony Drive, Suite 200  
Quincy, Massachusetts 02169

  
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Robert M. Byrne, Jr.